

Notice of Allowability

Application No.

09/736,554

Examiner

Nicholas D. Rosen

Applicant(s)

PHAN, CUNG NGOC

Art Unit

3625

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview of 10/22/2008.
2. ☒ The allowed claim(s) is/are 1,2,11,12,15-19,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-613),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625

DETAILED ACTION

Claims 1, 2, 11, 12, 15, 16, 17, 18, 19, 22, and 23 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Leanne Farrell on October 22, 2008.

The application has been amended as follows: Claims 6, 14, 20, 21, and 24 are hereby cancelled without prejudice.

Allowable Subject Matter

Claims 1, 2, 11, 12, 15, 16, 17, 18, 19, 22, and 23 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, "ArsDigita Powers Nation's Leading Wine Exchange: WineAccess.com," hereinafter "ArsDigita," discloses a computer implemented system for distributing inventory data acquired from point-of-sale systems at any one of a plurality of retail systems, comprising: a plurality of in-store systems, each in-store system located at a place of business of a merchant and comprising at least one point-of-sale device used to process sales transactions for generating sales transaction data

and generating inventory data (paragraph beginning, "WineAccess.com supports a national community"); likewise, the disclosure of access to data through a Website requires an in-store communicator used to transmit at least the inventory data over a communication network. "ArsDigita" does not disclose a memory database used to store a merchant identifier, the sales transaction data, and the inventory data, but Ranganath et al. (U.S. Patent Application Publication 2001/0037245) teaches merchants having memory databases, merchant identifiers, and inventory data, by which an application server can interact with the merchant shop server (paragraphs 26, 27, 33, 34, and 58); also, "ArsDigita" discloses customers determining what wines are currently in stock at a particular wine shop (paragraph beginning, "From a seller's Web site").

"ArsDigita" discloses a host system operably coupled to the in-store systems over the communication network and comprising: a host system database; a host system communicator used to receive and transmit data; and a data distributor for processing requests for inventory data by accessing inventory data stored in the host system database or retrieving current inventory data from one of the in-store systems (paragraphs beginning, "ArsDigita Corporation, the worldwide leader," "WineAccess.com supports," and "From a seller's Web site," and also the paragraphs beginning, "Store Finder:" and "Transaction:"). "ArsDigita" does not expressly disclose that the host system database indexes and stores the inventory data, the merchant identifier and the merchant network address for each in-store system (although the "database of over 250,000 wines," and the maintaining of inventories of wines available

at particular stores, require storing inventory data), but Ranganath teaches an application server communicating with a particular merchant system by using the retailer identification, requiring that merchant identifiers and electronic addresses be stored (paragraphs 27 and 58). Ranganath does not expressly disclose indexing these data, but it is well known for databases to index data, as taught by the Microsoft Press Computer Dictionary (page 247, definitions of "index," and definition of "indexed search").

"ArsDigita" discloses at least a subscriber system operably coupled to the host system over the communication network, as inherently required to access the Web site; "ArsDigita" does not expressly disclose a browser component useable by a consumer to view the requested inventory data from the host system by accessing the requested inventory data on a web page generated by the data distributor, but "ArsDigita" discloses generating web sites (paragraph beginning, "WineAccess.com supports"), and the Microsoft Press Computer Dictionary teaches that Web browsers are well known (definition of "Web browser," page 505).

"ArsDigita" does not disclose a virtual store server useable to request the host system for inventory data indicative of a given merchant and to process sales of goods or services offered for sale by the given merchant, although it is well known and admitted prior art for virtual store servers to be useable process sales of goods or services offered for sale by merchants (the instant specification, page 9, second paragraph). Virtual store servers are also taught by, for example, the anonymous article, "An Informational Release Regarding CyberMall Inc., Progress on its Interactive

Virtual Mall and Search Engine Projects.” Walker et al. (U.S. Patent Application Publication 2006/0195368) discloses retrieving current inventory data from in-store systems in response to a request for current inventory data from a subscriber system for a particular merchant (Figures 1 and 8A; paragraphs 99 and 131), but this is requesting inventory data from the merchant, not from a host system coupled to the merchants’ in-store systems. Neither “ArsDigita,” Walker, nor any other prior art of record discloses or reasonably suggests a virtual store server that is used to request the host system for inventory data indicative of a given merchant, and there is no obvious motivation to combine the various prior art teachings to arrive at this.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D. Rosen/
Primary Examiner, Art Unit 3625
October 23, 2008